

Application Serial No.: 09/705,486

Attorney Docket No.: 72167.000166

REMARKS

Claims 68-104 are pending in this application. By this amendment, claim 101 is amended. Reconsideration and allowance in view of the following remarks are respectfully requested. No new matter has been added by this amendment.

A. The Objection to the Drawings

The Office Action asserts that new corrected drawings in compliance with 37 C.F.R. 1.121 (d) are required in this application because Figures 1-16 are illegible and/or informal.

In communications with Examiner Jarrett on or about March 3, 2006, the Examiner indicated that Applicant could provide the requested drawings subsequent to filing the present Amendment. Applicant appreciates the courtesies extended in such communications.

Applicant is presently preparing revised drawings and will file the revised drawings subsequent to the filing of the present response.

B. The Objection to the Title of the Invention

The Office Action asserts that the title of the invention is not descriptive, and that a new title is required that is clearly indicative of the invention to which the claims are directed. The Examiner indicates that the following title is suggested: System and method for Providing Funding Approval associated with a Project based on a Document Collection.

Applicant hereby amends the title in response to the Examiner's comments.

C. The Information Disclosure Statement (IDS)

The Office Action asserts the information disclosure statement filed on November 16, 2005 has been made part of the record in the application, however the submitted IDS constitutes 28 Pages and contains 509 references wherein a vast majority of the references cited

Application Serial No.: 09/705,486

Attorney Docket No.: 72167.000166

appear not to be relevant to the claimed invention. The Office Action sets forth the Applicant is invited to specifically point out those references that may be pertinent to the claimed invention, and notes the IDS has been placed in the application file, but the information referred to therein has not been considered. The Office Action further asserts that the information disclosure statement filed November 16, 2005 fails to comply with 37 C.F.R. 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent, each publication or that portion which caused it to be listed, and all other information or that portion which caused it to be listed.

Applicant respectfully traverses such non-consideration of the art filed with the Information Disclosure Statement (IDS) of November 16, 2005. Applicant requests clarification of the basis of the non-consideration. That is, the Office Action asserts that 37 C.F.R. 1.98(a)(2) requires a copy of each US patent. However, Applicant notes that such is no longer a requirement under 37 C.F.R. 1.98(a)(2). Further, the Office Action appears to reflect that copies of non-US patent documents were not provided. However, as evidenced by the attached date stamped "green card" Applicant submits that such non-US patent documents were indeed provided.

Accordingly, Applicant requests clarification of the basis of non-consideration of the art filed with the November 16, 2005 Information Disclosure Statement (IDS). The Examiner is requested to consider such art and reflect such consideration in the record.

D. The Objection to the Claims

The Office Action objects to claim 101 asserting a minor informality. In response to the objection, claim 101 is hereby amended.

Application Serial No.: 09/705,486

Attorney Docket No.: 72167.000166

E. The 35 U.S.C. §112 Rejection

In the Office Action, claim 85 is rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action asserts that regarding claim 85 the disclosure does not clearly define the phrase "request for assistance," and that the phrase "request for assistance" as claimed could include a plurality of requests including but not limited to loan/mortgage application, loan draw request, invoice, requisition, purchase order, requesting payment for services/goods rendered, contracts, submittals or a plurality of other "requests" thereby making the phrase "request for assistance" vague and indefinite. The Office Action reflects that the Examiner has interpreted the phrase "request for assistance" to mean any of the above-mentioned definitions for the purposes of examination.

Applicant traverses this rejection under 35 U.S.C. §112. Applicant acknowledges that the phrase "request for assistance" could indeed include a plurality of requests differing in nature. However, such does not go to the issue of whether the claim language is vague and indefinite under 35 U.S.C. §112. Rather, the assertions in the Office Action relate to the breadth of the recited language.

Indeed, the Office Action lists various items that could be included in the recited "request for assistance." Applicant respectfully submits that the very fact that such list flows from the recited "request for assistance" goes to the clarity of the language.

Applicant submits that the recited language does indeed satisfy the requirements of 35 U.S.C. §112. Withdrawal of the 35 U.S.C. §112 rejection is respectfully requested.

Application Serial No.: 09/705,486

Attorney Docket No.: 72167.000166

F. The Office Action's Assertions Regarding Official Notice

The Office Action asserts that it is noted that the Applicant did not challenge the Official Notice(s) cited in the previous Office Action therefore those statements as presented are herein after prior art. Applicant adamantly traverses such assertion.

The October 5, 2005 Amendment traversed the art rejection set forth in the July 6, 2005 Office Action. As a result of such traversal, indeed, a new grounds of rejection was applied to the claims. In the October 5, 2005 Amendment, Applicant traversed the applied art rejection "at least" for the reasons set forth therein, i.e., see page 15, line 20 and page 20, line 11. Applicant has in no way admitted or acquiesced to the "official notice" assertions set forth in the prior Office Action. Rather, Applicant simply based the traversal of the art rejection on a different ground.

G. The Rejection Based on the Primavera Art under 35 U.S.C. §102

In the Office Action, claims 68-87, 90-91, 93-95, 97-100 and 102 are rejected under 35 U.S.C. 102(a) as being anticipated by Primavera System, Inc.'s Primavera Expedition system/product as disclosed in at least the following:

(i). Primavera Expedition Version 6.0 User's Guide (1998), hereinafter "Reference A"; and

(ii). Primavera Web Pages (1999), herein after "Reference B",
collectively herein referred to as the "Primavera Art".

The rejection is respectfully traversed.

1. The Rejection is Improper

Applicant respectfully submits that the rejection under 35 U.S.C. §102 is improper. In particular, Applicant submits that it is unclear the manner in which the Reference A and

Application Serial No.: 09/705,486

Attorney Docket No.: 72167.000166

Reference B teachings are being utilized and/or how such applied art is being combined. Each of Reference A and Reference B are indeed a respective reference. In particular, Applicant notes that Reference A is a 1998 Primavera Expedition Version 6.0 User's Guide. On the other hand, Reference B talks to Primavera's full range of web enabled, client/server and desktop solutions (see page 1 of Reference B). Also, Reference B relates to Expedition 6.3, whereas Reference A relates to Expedition 6.0.

Applicant submits that Reference A and Reference B are indeed two distinct documents relating to different software packages, i.e., at the least different versions, and that the relationship between Reference A and Reference B is simply not clear. Accordingly, it is improper for the Office Action to selectively pick and choose from the two references so as to allegedly teach the claimed invention. Such sounds of 35 U.S.C. §103 and not 35 U.S.C. §102.

Applicant further submits that such utilization of the Primavera Art also renders the 35 U.S.C. §103 rejections improper. Specifically, are the teachings of Schuyler and DeFrancesco being used to modify Reference A or Reference B.

For at least the reasons set forth above, Applicant submits that the 35 U.S.C. §102 and 35 U.S.C. §103 rejections are improper. Applicant respectfully requests withdrawal of the art rejections based on the Primavera Art (Reference A and Reference B).

2. The Applied Art of Reference A and Reference B Fail to Teach the Claimed Invention

Applicant submits that the applied art fails to teach the claimed invention. Claim 68 recites a computer implemented method for managing a project using a processing system, the method comprising establishing a database in the processing system, the processing system maintained by a project management entity; and providing funding approval associated with the

Application Serial No.: 09/705,486

Attorney Docket No.: 72167.000166

project, the funding approval being effected in association with a document collection associated with the project, the document collection maintained in the database. Accordingly, claim 68 recites that the processing system (in which the database is established) is maintained by the project management entity; and an interrelationship with the recited "funding approval being effected in association with a document collection".

Claim 68 then recites the interrelationship of such features vis-à-vis a vendor. Specifically, claim 68 recites accessing the document collection in the database by a vendor; the vendor entering and submitting electronically information related to the project; and the vendor determining that funding approval for the project has been secured through access to the document collection. The applied art simply does not teach such features and the interrelationship as set forth in claim 68.

The Office Action asserts regarding claim 68 that the Primavera Expedition teaches a system and method for managing construction projects that provides detailed workflow support for creating and managing projects and its associated project document collections wherein the project documents include but are not limited to: contracts, purchase orders, change orders, proposals, invoices, requisitions, submittals and the like. The Office Action sets forth various references to the Primavera Art.

In particular, the Office Action asserts that the Primavera Art teaches (i) accessing the document collection by a vendor (supplier, contractor, partner, general contractors, construction managers, etc.; reference A: Pages 16-18); (ii) vendor entering/submitting information related to the project electronically (invoices, requisitions, purchase orders, change orders, submittals, etc.; reference A: Pages 177-179, 198); and (iii) the vendor determining that funding approval for the project has been secured through access to the document collection (e.g. submit/track submittals,

Application Serial No.: 09/705,486

Attorney Docket No.: 72167.000166

proceed orders, committed, actual, pending, changes, etc.; reference A: Page 6-8, 163-166, 181; "Funding", Bullet 5, Page 165; "reviewing contract status", Page 188; reference B: "Reviews and Approvals", Page 3).

Applicant has reviewed the Primavera Art (Reference A and Reference B) and respectfully submits that the Primavera Art fails to teach such features as asserted in the Office Action. For example, as noted above, the Office Action asserts that in pages 16-18 of Reference A, Reference A teaches a vendor accessing the document collection.

Reference A indeed teaches that various users may utilize the Primavera system, as one would expect. However, Reference A fails to teach a vendor accessing the document collection (and the association between the document collection and the project management entity) as recited in claim 68. Instead, for example, pages 16-18 of Reference A discuss the particular tasks associated with persons working on the project, and the manner in which the Reference A software helps assist in the accomplishment of those tasks. Reference A fails to teach the interrelationship as set forth in claim 68.

As noted above, the Office Action asserts that the Primavera Art teaches the vendor determining that funding approval for the project has been secured through access to the document collection (e.g. submit/track submittals, proceed orders, committed, actual, pending, changes) and thereafter provides various cites to the Primavera Art. However, Applicant submits that the Primavera Art simply does not provide such teaching, in particular so as to set forth the interrelationship of claim 68. For example, Reference A, page 6, teaches that invoices/requisitions are generated from contracts/POs, then sent for payment approval. Reference A further teaches the amounts are posted to the Cost Worksheet to track actual costs. However, such general teaching fully fails to teach the particulars of claim 68. Further,

Application Serial No.: 09/705,486

Attorney Docket No.: 72167.000166

Reference A's various teachings about how a particular user utilizes the Expedition program falls short of teaching the specifics of claim 68 (for example such as described on page 163 of Reference A).

Reference B also fails to teach the claimed invention. For example, Applicant notes Reference B, page 2. Therein, Reference B describes that Expedition enables project teams to work together in real time, sharing every contract change every time the database is updated. Reference B teaches that access to sensitive information can be controlled allowing owners and contractors to share the same database.

Accordingly, such teaching reflects that access is controlled. Thus, it is not set forth what information what user has access to, but that access is controlled. In particular, the specifics of claim 68 are not set forth.

Further, claim 68 recites the vendor determining that funding approval for the project has been secured through access to the recited document collection, which is disposed in the recited database. Reference B fails to teach such features. Instead, Reference B simply teaches access to a database.

Applicant respectfully submits that the applied art fails to teach or suggest the features of claim 68 for at least the reasons set forth above. Further, independent claims 98-103 are allowable at least for reasons similar to those discussed above with respect to claim 68.

The various dependent claims recite patentable subject matter at least for their various dependencies on claim 68, as well as for the additional subject matter recited in such dependent claims. Withdrawal of the 35 U.S.C. §102 rejection based on the applied art is respectfully requested.

Application Serial No.: 09/705,486

Attorney Docket No.: 72167.000166

H. The Rejection Based on the Primavera Art and Schuyler

In the Office Action, claims 88-69, 96,101 and 103-104 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Primavera Art as applied to claims 66-67, 90-91, 93-95, 97-100 and 102 above and further in view of Schuyler, U.S. Patent No. 6,632,202. Applicant traverses such rejection.

As discussed above, Applicant submits that the rejection is improper in that it is not clear how the teachings of Reference A and Reference B are applied.

The Office Action relies on Schuyler to cure asserted deficiencies in the Primavera Art. In particular, the Office Action asserts that Primavera Expedition does not expressly teach that the approver returns the approval to a previous approver who is not the requestor or the approver returns the approval to a previous approver and the requestor as claimed.

Further, for example, the Office Action proposes to otherwise modify the Primavera Art, asserting Primavera Expedition does not expressly teach that the project funding approval is effected by client (business) hierarchy as claimed.

Applicant submits that even if the above modifications were in some way obvious, which it is not admitted, such modifications to the Primavera Art would fail to cure the deficiencies as discussed above.

The applied art fails to fairly teach or suggest the claimed invention under 35 U.S.C. § 103. Withdrawal of the rejection is respectfully requested.

I. The Rejection Based on the Primavera Art and DeFrancesco

In the Office Action, claim 92 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Primavera Art as applied to claims 68-87, 90-91, 93-95, 97-100 and 102 above and further in view of DeFrancesco, U.S. Patent No. 6,505,176. Applicant traverses such rejection.

Application Serial No.: 09/705,486

Attorney Docket No.: 72167.000166

Further, as discussed above, Applicant submits that the rejection is improper in that it is not clear how the teachings of Reference A and Reference B are applied.

The Office Action asserts that regarding claim 92, while Primavera Expedition teaches tracking the status of a plurality of project documents associated with various contacts/businesses (e.g. tracking submittal status; Page 329) Primavera Expedition does not expressly providing a list of request for assistances associated with a particular business unit as claimed. The Office Action then proposes to cure this deficiency of the Primavera Art with the teachings of DeFrancesco. Specifically, the Office Action asserts it would have been obvious to one skilled in the art at the time of the invention that the system and method for project management as taught by Primavera Expedition would have benefited from providing users a list of the currently active (in process, pending, etc.) requests for assistance associated with a particular business unit (workgroup) in view of the teachings of DeFrancesco.

DeFrancesco is directed to a workflow management system for an automated credit application system. DeFrancesco teaches that workgroup queues contain active or pending steps associated with the workgroup.

However, Applicant submits that even if it were obvious to somehow so modify the teachings of the Primavera Art based on DeFrancesco, which it is not admitted to be obvious, the proposed combination of applied art would still fail to teach or suggest the features as recited in claim 68, and the other independent claims, i.e., so as to cure the deficiencies of the Primavera Art discussed above. Accordingly, it is submitted that DeFrancesco fails to cure the deficiencies of the Primavera Art as described above so as to teach or suggest the features of the rejected claims.

Application Serial No.: 09/705,486

Attorney Docket No.: 72167.000166

Withdrawal of the 35 U.S.C. §103 rejection based on the Primavera Art and DeFrancesco is respectfully requested.

J. Conclusion

For at least the reasons outlined above, Applicant respectfully asserts that the application is in condition for allowance. Favorable reconsideration and allowance of the claims are respectfully solicited.

For any fees due in connection with filing this Response the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0206.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,
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Attachment: November 16, 2005 date stamped "Green Card"

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